

ON TRACK WITH MDT

Since accepting the position of director, I have worked diligently to help our employees and our external partners understand that we do much more than work on roads when we do highway construction: we also serve as stewards of the land.

I know that the issue of environmental stewardship is ever-changing: if you think back to when many of our roads were constructed, the concept didn't even exist. Now, however, we must deal with the many issues regulated by the National Environmental Policy Act, the Clean Water Act, 23 CFR 777 concerning Mitigation of Impacts to Wetlands and Natural Habitats, and so forth.



Wetland mitigation – Red Lodge

For MDT, the issue of environmental stewardship arises as early as the design phase, when our designers/design consultants work with 1) the Army Corps of Engineers on Clean Water Act Section 404 authorizations for live water sites (i.e. wetlands, creeks and lakes), and 2) Montana Fish, Wildlife and Parks on Stream Protection Act 124 permits dealing with fish habitats and similar issues.

Our role as stewards continues through design to construction, where MDT and the contractor work with the Montana Department of Environmental Quality and the Environmental Protection Agency (EPA) on Section 402 storm water/discharge permits and any additional 404 or 402 permits needed for temporary structures erected during the project. In addition, Environmental Services works with landowners across the state to mitigate the impacts of highway construction on the state's wetlands.

With all of the effort we put in to environmental stewardship, you probably think that all is going well. Sadly, it's not: despite my best efforts, we are making mistakes that are costly, both to MDT and to the environment. Because MDT is in what we call a repeat offender status (we've been fined previously for permit violations), the regulatory agencies are watching us with close scrutiny. And, even when we turn ourselves in, as we did on a construction permit violation, the EPA is not looking kindly upon our actions. Not only did we receive a hefty fine, but the EPA is **still** interviewing individuals whom they believe had knowledge of the permit violation. I can't speak to their intent, but I do know that they are considering filing criminal charges against individual employees. Any permit violation from this point forward is serious business.

I have said it before, but I will say it again. Compliance with environmental permitting requirements needs to become a priority for every individual who comes in contact with construction and maintenance projects. We at MDT, for example, need to keep up-to-

date on permitting regulations, ensure that all requests are properly submitted, and train our folks on what we can and can't do in the field – and then follow through on that.

Our designers need to design projects that are easier to permit and obtain those permits in a timely manner.

And the contractors need to obtain and abide by all the necessary permits so that a project can be completed without unnecessary fines and mediation.

I know that the permitting process can be complex and time-consuming, but it is a crucial component of our road-building process. My goal is for everyone on a project to view it that way, for placing appropriate emphasis on environmental stewardship is key to our future, and we want to stay “on track” – not just with MDT, but with the needs of this state.

Dave Galt
Director